

ORIGINAL

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FILED IN THE  
UNITED STATES DISTRICT COURT  
DISTRICT OF HAWAII

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Attorneys for Plaintiffs  
BARBARA KALANIKIEKIE  
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KAAPUNI, Sr., PAMELA  
NOHOLANI KAAPUNI, JON  
HANS KAAPUNI, Jr., FALLON  
KALANIKIEKIE KAAPUNI,  
AND TYRAH NOHOLANI  
KAAPUNI by her best friend  
JON HANS KAAPUNI, Sr.

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

BARBARA KALANIKIEKIE	)	
KAAPUNI, JON HANS	)	CIVIL NO. CV-04-00449-SOM-LEK
KAAPUNI, Sr., PAMELA	)	
NOHOLANI KAAPUNI, JON	)	PLAINTIFFS' CONCISE STATE-
HANS KAAPUNI, Jr., FALLON	)	MENT OF FACTS RE: CARLTON
KALANIKIEKIE KAAPUNI,	)	HELM, CHRISTINA HALL, KELLY
AND TYRAH NOHOLANI	)	PAUOLE, JAMIE WINFREY,
KAAPUNI by her best friend	)	HAROLD MANAOIS, AND
JON HANS KAAPUNI, Sr.,	)	KEANA BROWNS' MOTION FOR
	)	SUMMARY JUDGMENT;
	)	DECLARATION OF BARBARA
Plaintiffs,	)	KALANIKIEKIE KAAPUNI;
	)	CERTIFICATE OF SERVICE
vs.	)	
	)	HEARING:

CARLTON HELM, in his	)	
individual capacity, STAG	)	DATE: <u>January 17, 2006</u>
SAGARIO, in his individual capacity,	)	
CHRISTINA WILLIAMS, in her	)	TIME: <u>9:30 a.m.</u>
individual capacity, KELLY ARLOS,	)	
in his individual capacity, JAMIE	)	JUDGE: <u>Hon. Susan Oki Mollway</u>
WINFREY, in her individual capacity,	)	
HAROLD MANAOIS, in his individual	)	
capacity, KEANA BROWN,	)	
in her individual) capacity, AND	)	
THE COUNTY OF	)	
MAUI,	)	
	)	
Defendants.	)	

PLAINTIFFS' CONCISE STATEMENT OF FACTS RE: CARLTON HELM,  
CHRISTINA HALL, KELLY PAUOLE, JAMIE WINFREY, HAROLD  
MANAOIS AND KAENA BROWN'S MOTION FOR SUMMARY JUDGMENT

The Plaintiffs by and through their attorneys Arthur E. Ross, Esq. and Rory Soares Toomey, Esq. and pursuant to L. R. 56.1 and submits the following concise statement of the facts supporting his motion for partial summary judgment.

FACTS

CITATIONS

On the early morning of January 24, 2004, Plaintiff Barbara Kalanikiekie Kaapuni (hereinafter referred to as Ms. Kaapuni) was at her home located at 859 Kikipua Street, Kaunakakai, Hawaii 96748.

Declaration of Barbara  
Kalanikiekie Kaapuni, page 1

Ms. Kaapuni does not have her own bedroom and as a result I sleep in the living room.

id

Ms. Kaapuni was awake when the police id  
forced their way into the locked house  
located at 859 Kikipua Street,  
Kaunakakai, Hawaii 96748.

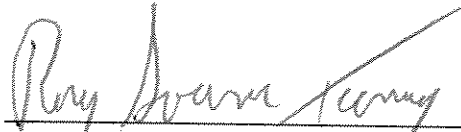
The police did not knock at the door, id, page 2  
announce themselves, or demand entry  
in to the house located at 859 Kikipua  
Street, Kaunakakai, Hawaii 96748.

Had they done so, Ms. Kaapuni would id  
have opened the door to them.

The First Ms. Kaapuni knew that there id  
were people entering her home was when  
I heard the glass from the sliding doors  
shatter.

DATED: Honolulu, Hawaii, December 30, 2005

Respectfully Submitted



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RORY SOARES TOOMEY  
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KALANIKIEKIE KAAPUNI,  
AND TYRAH NOHOLANI  
KAAPUNI by her best friend  
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